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530 7590 10/15/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER LIU, BEN H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,278	Applicant(s) SAKO ET AL.	
	Examiner BEN H. LIU	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-11,14-19,22-28,31-57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11,14-19,22-28,31-57 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to an amendment/response filed on June 23rd, 2008.
2. Claims 2-3, 6-8, 10-11, 14-16, 18-19, 22-25, 27-28, 31-34, 36-39, 41-44, 46-49, 51-54, 56-57, and 59 have been amended.
3. Claims 4-5, 12-13, 20-21, 29-30, and 58 have been cancelled.
4. No claims have been added.
5. Claims 1-3, 6-11, 14-19, 22-28, 31-57 and 59 are currently pending.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6-11, 14-19, 22-28, 31-52 and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al. (U.S. Patent 6,922,664).

For claim 1, Fernandez et al. discloses an information transmission method, comprising:
acquiring one or more of audio information and video information of a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*);

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detecting, concurrent with the acquiring of the one or more of audio information and video information, bio-information of at least one individual participator present at the given location (*see figure 2 and figure 4, which recite a biometric sensor array module 50 that measures bio-information*);

packetizing multiplexed with respect to the acquired one or more of audio information and video information into a stream of data packets (*see column 1 lines 62-65 and figure 2, which recite connecting client 20 with network interface 24 used to transmit audio and video information gathered by microphone 44 and camera 42 to network 10 using TCP/IP packets*);

multiplexing the stream of data packets with corresponding portions of the detected bio-information (*see column 4 lines 8-12, which recite generating digital packets from the bio-information signals collected by the a biometric sensor array module 50*)

by inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*); and

transmitting the multiplexed stream (*see figure 5b, which recites a communication module 94 that transmits signals from the sensors*).

For claim 2, Fernandez et al. discloses an information transmission method, wherein the at least one individual includes a speaker, a player, an actor, an actress, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference*

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that transmits information of the speaker including bio-information gathered from multi-sensor array 50).

For claim 3, Fernandez et al. discloses an information transmission method, wherein the at least one individual includes a listener who is present at the given location place when the audio information is acquired and/or a viewer present at the given location when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 6, Fernandez et al. discloses an information transmission method, wherein the at least one data packet is a plurality of data packets associated with a time period of a predetermined length; and the multiplexing step includes performing statistical processing of the corresponding portions of the bio-information to calculate corresponding portions of statistical bio-information and inserting a respective portion of the statistical bio-information adjacent to the plurality of data packets that is concurrent with that portion of the statistical bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*).

For claim 7, Fernandez et al. discloses an information transmission method, wherein the bio-information is selected from the group consisting of body motion, myoelectricity, body surface temperature, skin sweating, skin pressure, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure (*see column 4 lines 20-29, which recite detecting temperature, pressure, physiological vital information such as pulse and blood pressure using the multi-sensor module 50*).

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For claim 8, Fernandez et al. discloses an information transmission method, wherein the detected bio-information is extracted from the one or more of audio information and video information (*see column 6 lines 22-25, which recite extracting facial imaging biometric information from video information gathered at client 20*).

For claim 9, Fernandez et al. discloses an information transmission information acquiring means for acquiring:

one or more of audio information and video information of a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*);

bio-information detecting means for detecting concurrent with the acquiring of the one or more of audio information and video information, bio-information of at least one individual present at the given location (*see figure 2 and figure 4, which recite a biometric sensor array module 50 that measures bio-information*); and

transmission means for packetizing the acquired one or more of audio information and video information into a stream of data packets (*see column 1 lines 62-65 and figure 2, which recite connecting client 20 with network interface 24 used to transmit audio and video information gathered by microphone 44 and camera 42 to network 10 using TCP/IP packets*)

for multiplexing the stream of data packets with corresponding bio-information (*see column 4 lines 8-12, which recite generating digital packets from the bio-information signals collected by the a biometric sensor array module 50*)

by inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information (*see column 7 lines 1-9,*

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which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information),

and for transmitting the multiplexed stream (*see figure 5b, which recites a communication module 94 that transmits signals from the sensors*).

For claim 10, Fernandez et al. discloses an information transmission information acquiring means wherein the at least one individual includes a speaker, a player, an actor, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 11, Fernandez et al. discloses an information transmission information acquiring means wherein the at least one individual includes a listener who is present at the given location when the audio information is acquired and/or a viewer present at the given location place when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 14, Fernandez et al. discloses an information transmission information acquiring means wherein the at least one data packet is a plurality of data packets associated with a time period of a predetermined length, and the transmission means performs statistical processing of the corresponding portions of the bio-information to calculate corresponding portions of statistical bio-information and inserts a respective portion of the statistical bio-

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information adjacent to the plurality of data packets that is concurrent with that portion of the statistical bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*).

For claim 15, Fernandez et al. discloses an information transmission information acquiring means wherein the bio-information is selected from the group consisting of body motion, myoelectricity, body surface temperature, skin sweating, skin resistance, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure (*see column 4 lines 20-29, which recite detecting temperature, pressure, physiological vital information such as pulse and blood pressure using the multi-sensor module 50*).

For claim 16, Fernandez et al. discloses an information transmission information acquiring means wherein the bio-information detecting means extracts the detected bio-information from the one or more of audio information and video information (*see column 6 lines 22-25, which recite extracting facial imaging biometric information from video information gathered at client 20*).

For claim 17, Fernandez et al. discloses an information recording method, comprising:
acquiring one or more audio information and video information (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*);

detecting, concurrent with the acquiring of the one or more of audio information and video information, bio- information of at least one individual present at the given (*see figure 2 and figure 4, which recite a biometric sensor array module 50 that measures bio-information*);

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packetizing the acquired one or more of audio information and video information into a stream of data packets (*see column 1 lines 62-65 and figure 2, which recite connecting client 20 with network interface 24 used to transmit audio and video information gathered by microphone 44 and camera 42 to network 10 using TCP/IP packets*);

multiplexing the stream of data packets with corresponding portions of the detected bio-information (*see column 4 lines 8-12, which recite generating digital packets from the bio-information signals collected by the a biometric sensor array module 50*)

by inserting a respective portion of the detected bio- information adjacent to at least one data packet that is concurrent with that portion of the bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*); and

recording the multiplexed stream onto a predetermined recording medium (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for storing sensed signals*).

For claim 18, Fernandez et al. discloses an information recording method wherein the at least one individual includes a speaker, a player, an actor, or conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 19, Fernandez et al. discloses an information recording method wherein the at least one individual includes a listener who is present at the given location when the audio information is acquired and/or a viewer present at the given location when the

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video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 22, Fernandez et al. discloses an information recording method wherein the at least one data packet is a plurality of data packets associated with a time period of a predetermined length; and the multiplexing step includes performing statistical processing of the corresponding portions of the bio-information to calculate corresponding portions of statistical bio-information and inserting a respective portion of the statistical bio-information adjacent to the plurality of data packets that is concurrent with that portion of the statistical bio- information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*).

For claim 23, Fernandez et al. discloses an information recording method wherein the bio-information is selected from the group consisting of body motion, myoelectricity, body surface temperature, skin sweating, skin resistance, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure (*see column 4 lines 20-29, which recite detecting temperature, pressure, physiological vital information such as pulse and blood pressure using the multi-sensor module 50*).

For claim 24, Fernandez et al. discloses an information recording method wherein the detected the recording medium is at least one of optical disc, magnetic tape, hard disc and semiconductor memory (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for storing sensed signals*).

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For claim 25, Fernandez et al. discloses an information recording method wherein the bio-information is extracted from the one or more of audio information and video information (*see column 6 lines 22-25, which recite extracting facial imaging biometric information from video information gathered at client 20*).

For claim 26, Fernandez et al. discloses an information recording method, comprising:
information acquiring means for acquiring one or more of audio information and~ video information of a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*);

bio-information detecting means for detecting concurrent with the acquiring of the one or more of audio information and video information, bio-information of at least one individual present at the given location (*see figure 2 and figure 4, which recite a biometric sensor array module 50 that measures bio-information*); and

recording means for packetizing the acquired one or more of audio information and video information into a stream of data packets (*see column 1 lines 62-65 and figure 2, which recite connecting client 20 with network interface 24 used to transmit audio and video information gathered by microphone 44 and camera 42 to network 10 using TCP/IP packets*),

for multiplexing the stream of data packets with corresponding bio-information (*see column 4 lines 8-12, which recite generating digital packets from the bio-information signals collected by the a biometric sensor array module 50*)

by inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network*

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including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information), and for recording the multiplexed stream onto a predetermined recording medium (see column 3 lines 1-17, which recite a memory implement on a semiconductor for storing sensed signals).

For claim 27, Fernandez et al. discloses an information recording method wherein the at least one individual includes a speaker, a player, an actor, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 28, Fernandez et al. discloses an information recording method wherein the at least one individual includes a listener who is present at the given location when the audio information is acquired and/or a viewer present at the given location when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 31, Fernandez et al. discloses an information recording method wherein the at least one data packet is a plurality of data packets associated with a time period of a predetermined length, and the recording means performs statistical processing of the corresponding portions of the bio-information to calculate corresponding portions of statistical bio-information to record and inserts a respective portion of the statistical bio-information adjacent to the plurality of data packets that is concurrent with that portion of the statistical bio-information (*see column 7 lines 1-9, which recite real-time exchange of live video between*

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clients wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information).

For claim 32, Fernandez et al. discloses an information recording method wherein the bio-information is at least one selected from the group consisting of body motion, myoelectricity, body surface temperature, skin sweating, skin resistance, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure (*see column 4 lines 20-29, which recite detecting temperature, pressure, physiological vital information such as pulse and blood pressure using the multi-sensor module 50*).

For claim 33, Fernandez et al. discloses an information recording method wherein the recording medium is selected from the group consisting of optical disc, magnetic tape, hard disc, and semiconductor memory (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for storing sensed signals*).

For claim 34, Fernandez et al. discloses an information recording method wherein the bio-information detecting means extracts the detected bio-information from the one or more of audio information and video information (*see column 6 lines 22-25, which recite extracting facial imaging biometric information from video information gathered at client 20*).

For claim 35, Fernandez et al. discloses an information reproducing method, comprising:
decomposing a multiplexed data stream into data packets of one or more of audio information and video information and corresponding portions of bio- information (*see figure 2, which recites client 20 including network interface 24 for receiving a data stream that are distributed to the display 32, audio device 46, and mechanical device 48*),

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the multiplexed data stream having a respective portion of the bio-information disposed adjacent to at least one concurrent data packet (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*),

the one or more of audio information and video information being acquired at a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*),

the bio-information being of at least one individual present at the given location and being detected concurrent with the acquiring of the one or more of audio information and video information (*see column 7 lines 1-9, which recite real-time conference that concurrently transmits information including bio-information gathered from multi-sensor array 50*);

reproducing the one or more of audio information and video information for delivery to a user and providing, to the user, sense stimulation based on the bio-information concurrent with the delivery of the one or more of the audio information and video information (*see figure 5A and column 6 lines 35-42, which recite simulator module 90 for reproducing the data stream containing audio, video, and bio-information data streams*).

For claim 36, Fernandez et al. discloses an information reproducing method wherein the multiplexed data stream is received through a transmission method (*see figure 2, which recites a client 20 that uses network interface 24 for receiving the sensed data stream*).

For claim 37, Fernandez et al. discloses an information reproducing method wherein the multiplexed data stream is read out from a recording medium (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for reading out sensed signals*).

For claim 38, Fernandez et al. discloses an information reproducing method wherein the at least one individual includes a speaker, a player, an actor or conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 39, Fernandez et al. discloses an information reproducing method wherein the at least one individual includes a listener present at the given location when the audio information is acquired and/or a viewer present at the given location when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 40, Fernandez et al. discloses an information reproducing method comprising:
decomposing a multiplexed data stream into data packets of one or more of audio information and video information and into corresponding portions of bio- information (*see figure 2, which recites client 20 including network interface 24 for receiving a data stream that are distributed to the display 32, audio device 46, and mechanical device 48*),

the multiplexed data stream having a respective portion of the bio-information disposed adjacent to at least one concurrent data packet (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information*

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from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information),

the one or more of audio information and video information being acquired at a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*),

the bio-information being of at least one individual present at the given location and being detected concurrent with the acquiring of the one or more of audio information and video information (*see column 7 lines 1-9, which recite real-time conference that concurrently transmits information including bio-information gathered from multi-sensor array 50*); and

controlling, based on the bio-information, reproduction of the one or more of audio information and video information (*see column 6 lines 22-25, which controlling access to video information for reproduction based upon facial imaging biometric information*).

For claim 41, Fernandez et al. discloses an information reproducing method wherein the multiplexed data stream is received through a transmission medium (*see figure 2, which recites a client 20 that uses network interface 24 for receiving the sensed data stream*).

For claim 42, Fernandez et al. discloses an information reproducing method wherein the multiplexed data stream is read out from a record medium (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for reading out sensed signals*).

For claim 43, Fernandez et al. discloses an information reproducing method wherein the at least one individual includes a speaker, a player, an actor, or conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within

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the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 44, Fernandez et al. discloses an information reproducing method wherein the at least one individual includes a listener present at the given location place when the audio information is acquired and/or a viewer present at the given location place when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 45, Fernandez et al. discloses an information reproducing apparatus comprising:

means for decomposing a multiplexed data stream into data packets one or more of audio information and video information and into corresponding portions of bio- information (*see figure 2, which recites client 20 including network interface 24 for receiving a data stream that are distributed to the display 32, audio device 46, and mechanical device 48*),

the stream of data packets having a respective portion of the bio-information disposed adjacent to at least one concurrent data packet (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*),

the one or more of audio information and video information being acquired at a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*),

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the bio-information being of at least one individual present at the given location and being detected concurrent with the acquiring of the one or more of audio information and video information (*see column 7 lines 1-9, which recite real-time conference that concurrently transmits information including bio-information gathered from multi-sensor array 50*);

means for reproducing the one or more of audio information and video information for delivery to a user; and means for providing, to the user, sense stimulation based on the bio-information concurrent with the delivery of the one or more of the audio information and video information (*see figure 5A and column 6 lines 35-42, which recite simulator module 90 for reproducing the data stream containing audio, video, and bio-information data streams*).

For claim 46, Fernandez et al. discloses an information reproducing apparatus further comprising: means for receiving the multiplexed data stream through a transmission medium (*see figure 2, which recites a client 20 that uses network interface 24 for receiving the sensed data stream*).

For claim 47, Fernandez et al. discloses an information reproducing apparatus further comprising: means for reading out the multiplexed data stream from a recording medium (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for reading out sensed signals*).

For claim 48, Fernandez et al. discloses an information reproducing apparatus wherein the at least one individual includes a speaker, a player, an actor, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that*

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transmits information of the speaker including bio-information gathered from multi-sensor array 50).

For claim 49, Fernandez et al. discloses an information reproducing apparatus wherein the at least one individual includes a listener present at the given location when the audio information is acquired and/or a viewer present at the given location when video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50).*

For claim 50, Fernandez et al. discloses an information reproducing apparatus comprising:

means for decomposing a multiplexed data stream into data packets one or more of audio information and video information and into corresponding portions of bio- information (*see figure 2, which recites client 20 including network interface 24 for receiving a data stream that are distributed to the display 32, audio device 46, and mechanical device 48).*

the stream of data packets having a respective portion of the bio-information disposed adjacent to at least one concurrent data packet (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information).*

the one or more of audio information and video information being acquired at a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information).*

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the bio-information being detected concurrent with the acquiring of the one or more of audio information and video information (*see column 7 lines 1-9, which recite real-time conference that concurrently transmits information including bio-information gathered from multi-sensor array 50*); and

means for controlling, based on the bio-information reproduction of the one or more of audio information and video information (*see column 6 lines 22-25, which controlling access to video information for reproduction based upon facial imaging biometric information*).

For claim 51, Fernandez et al. discloses an information reproducing apparatus further comprising: means for receiving the multiplexed data stream through a transmission medium (*see figure 2, which recites a client 20 that uses network interface 24 for receiving the sensed data stream*).

For claim 52, Fernandez et al. discloses an information reproducing apparatus further comprising: means for reading out the multiplexed data stream from a recording medium (*see column 3 lines 1-17, which recite a memory implement on a semiconductor for reading out sensed signals*).

For claim 53, Fernandez et al. discloses an information reproducing apparatus wherein the at least one individual includes a speaker, a player, an actor, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

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For claim 54, Fernandez et al. discloses an information reproducing apparatus wherein the at least one individual includes a listener present at the given location when the audio information is acquired and/or a viewer present at the given location when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 55, Fernandez et al. discloses a recording medium having recorded wherein a multiplexed data stream comprised of data packets of one or more of audio information and video information and comprised of corresponding portions of bio-information (*see column 3 lines 1-7, which recite storage 86 used to store signals from the sensors*),

the multiplexed data stream having a respective portion of the bio-information disposed adjacent to at least one concurrent data packet (*see column 7 lines 1-9, which recite real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted adjacent to audio and video information*),

the one or more of audio information and video information being acquired at a performance at a given location (*see figure 2, which recite a microphone 44 and camera 42 for providing audio and visual information*),

the bio-information being of at least one individual present at the given location and being detected concurrent with the acquiring of the one or more of audio information and video information (*see column 7 lines 1-9, which recite real-time conference that concurrently transmits information including bio-information gathered from multi-sensor array 50*).

For claim 56, Fernandez et al. discloses a recording medium having recorded wherein least one individual includes a speaker, a player, an actor, or a conductor who serves as a source of the audio information, and/or a performer or a photographed person who is included within the video information (*see column 7 lines 1-9, which recite real-time conference that transmits information of the speaker including bio-information gathered from multi-sensor array 50*).

For claim 57, Fernandez et al. discloses a recording medium having recorded wherein the at least one individual includes a listener present at the given location when the audio information is acquired and/or a viewer present at the given location place when the video information is acquired (*see column 7 lines 1-9, which recite real-time conference that transmits information of the listener including bio-information gathered from multi-sensor array 50*).

For claim 59, Fernandez et al. discloses a recording medium having recorded wherein the bio-information is selected from the group consisting at least one of body motion, myoelectricity, body surface temperature, skin sweating, skin resistance, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure (*see column 4 lines 20-29, which recite detecting temperature, pressure, physiological vital information such as pulse and blood pressure using the multi-sensor module 50*).

Response to Arguments

8. Claims 1, 9, 26, and 55 were previously objected because of minor informalities. It is appreciated that the Applicant has amended the figures to overcome the objections. In response, the objections have been withdrawn.

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9. Applicant's arguments filed June 23rd, 2008 regarding the 35 USC 102(e) reject for claims 1-59 have been fully considered but they are not persuasive.

The Applicant argues in page 17-18 of the remarks that the Fernandez et al. reference fails to disclose or suggest “multiplexing a stream of data packets with corresponding portions of detected bio-information” and also does not disclose “inserting a respective portion of detected bio-information adjacent to at least one data packet that is concurrent with that portion of bio-information.” However, it is noted that Fernandez et al. discloses a client 20 with network interface 24 used to transmit audio and video information gathered by microphone 44 and camera 42 to network 10 using TCP/IP packets (*see column 1 lines 62-65 and figure 2*). It is further noted that Fernandez et al. disclose generating digital packets from the bio-information signals collected by biometric sensor array module 50 (*see column 4 lines 8-12*). Finally, Fernandez et al. disclose real-time exchange of live video between clients for the multi-sensor network including bio-information from the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted with the audio and video information (*see column 7 lines 1-9*). Thus, Fernandez et al. does teach multiplexing a stream of data packets of audio and video information with corresponding bio-information that are transmitted concurrently to provide real-time conferencing. By transferring both audio and video packets with bio-information packets concurrently for real-time conferencing, the bio-information inserted in the data stream will be transmitted adjacent to an audio or video packet.

For at least the reasons provided above, the Applicant's arguments regarding independent claims 9, 17, 26, 35, 40, 45, 50, and 55 are not persuasive. The applicant further argues that the remaining claims are patentable at least by virtue of their dependencies. Since the Applicant's

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arguments regarding independent claims are not persuasive, the dependent claims have not been found to be allowable.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit
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BL